

2019/0006

Reg Date 25/03/2019

**Bisley & West
End**

LOCATION: 154 GUILDFORD ROAD, WEST END, WOKING, GU24 9LT
PROPOSAL: Erection of 3 no. two bedroom bungalows following the demolition of existing building with the retention of existing dwelling on the site.
TYPE: Full Planning Application
APPLICANT: Mr L Wells
OFFICER: Duncan Carty

This application would normally be determined under the Council's Scheme of Delegation, however, it has been called-in by Cllr Mansfield.

RECOMMENDATION: REFUSE

1.0 SUMMARY

- 1.1 This application relates to the erection of three bungalows to the rear of the host dwelling. The land forms a part of the side/rear garden of Scarlet Manor, 154 Guildford Road and commercial use to the rear which is located close to at the edge of the settlement of West End, falling within the Green Belt.
- 1.2 The current proposal is considered to be acceptable in terms of its impact on local character, residential amenity and highway safety. The proposal is inappropriate development in the Green Belt. In addition, without a legal agreement or upfront SAMM payment provided, the proposal would add harm to the SPA. Very special circumstances do not exist to outweigh the harm of the proposal on the Green Belt along with the identified added harm. The application is therefore recommended for refusal.

2.0 SITE DESCRIPTION

- 2.1 The application site falls to the west of the settlement of West End, within the Green Belt. The site lies on the west side of A322 Guildford Road, forming a part of the wider residential/commercial plot of 154 Guildford Road. Residential properties 152 Guildford Road and 164 Guildford Road (a locally listed building) are sited to the north and south flanks, respectively. The commercial land to the rear is in the ownership of the applicant with open land beyond. Residential properties in the settlement of West End, 149-159 Guildford Road, lie opposite the site on the east side of Guildford Road. The existing access to the site is from Guildford Road.
- 2.2 The wider site of 154 Guildford Road relates to a 0.38 hectare site. The site is roughly wedge shaped, narrowing towards the rear and includes the existing dwelling and garage located closer to the front of the site along with the gypsy pitches to the rear of the dwelling and commercial site/building at the rear of the plot. The gypsy pitches do not have a lawful status.

- 2.3 The site is a minimum distance of about 0.6 kilometres from the Thames Basin Heaths Special Protection Area (SPA).

3.0 RELEVANT PLANNING HISTORY

The relevant planning history for the wider site is listed below.

- 3.1 SU/04/0238 Erection of a two storey house with detached double garage following the demolition of existing house and garage.
Approved in May 2004 and implemented.
Condition 4 of this permission removes permitted development rights for the erection of extensions, garages or other buildings.
- 3.2 SU/16/0397 Certificate of existing lawful use for the stationing of 2 no residential caravans.
Considered to be unlawful in December 2017.
- 3.3 SU/16/0582 Erection of entrance gates and walls (retrospective).
Approved in May 2017.
- 3.4 SU/18/0223 Certificate of existing lawful use for a mixed use comprising a permanent residential dwelling and a gypsy and traveller site with two pitches.
Withdrawn in May 2018.
- 3.5 SU/18/0875 Change of use to provide a two pitch gypsy site (retrospective) on land to the side and rear of the property.
Currently under consideration and report provided elsewhere on this Agenda.

4.0 THE PROPOSAL

- 4.1 The proposal relates to the erection of 3 no two bedroom bungalows at the site following the removal of the existing 2 gypsy pitches and associated accommodation along with the commercial use at the rear. Each bungalow would measure 11.7 metres in width by 8.7 metres in depth with a hipped roof over to a maximum height of 5.5 metres, reducing to 2.4 metres at the eaves. Each bungalow would provide a floor area of 102 square metres and volume of about 293 cubic metres (304 square metres and 879 cubic metres in total).
- 4.2 The proposed use would use the existing access onto Guildford Road with each dwelling facing the access road, perpendicular to the main house and highway. A parking area is provided to the side/front of the dwellings providing two spaces per property.

5.0 CONSULTATION RESPONSES

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|-----|--------------------------|---|
| 5.1 | County Highway Authority | No objections. |
| 5.2 | Scientific Officer | No objections subject to condition. |
| 5.3 | Bisley Parish Council | An objection is raised on the basis that the proposal is inappropriate development in the Green Belt. |

6.0 REPRESENTATIONS

6.1 At the time of preparation of this report, no representations have been received in support and two representations have been received raising an objection for which the following issues are raised:

- Inconsistent with limitations on the original property under permission SU/04/0238 (removal of permitted development rights for extensions, garages, or other buildings and use of use as one dwelling only). It is for the applicant to indicate why these restrictions are no longer appropriate [See *paragraph 7.3*]
- Unauthorised provision of two residential units on the site [See *paragraphs 7.3 and 7.4*]
- Impact on a like-for-like basis with existing development which is unauthorised/unlawful [See *paragraphs 7.3 and 7.4*]
- Existing unauthorised development should be removed prior to assessment [*Officer comment: This would not be a reason to refuse this application*]
- Existing development is detrimental to surrounding neighbours [See *paragraphs 7.4 and 7.5*]
- Impact on tarmac on Green Belt land [see *paragraph 7.2*]
- Impact on noise [See *paragraph 7.5*]
- Light pollution from additional lights [See *paragraph 7.5*]
- Impact of “garden grabbing” [See *paragraphs 7.3 and 7.4*]

7.0 PLANNING CONSIDERATIONS

7.1 The current proposal is to be assessed against the National Planning Policy Framework (NPPF) and its associated Planning Practice Guidance (PPG); as well as Policies CP1, CP2, CP11, CP14, DM6, DM9, DM11 and DM17 of the Surrey Heath Core Strategy and Development Management Policies 2012 (CSDMP); and Policy NRM6 of the South East Plan 2009 (as saved) (SEP). In addition, advice in the Residential Design Guide SPD 2017 (RDG); the Surrey Heath Green Belt and Countryside Study 2017 (GBCS); the Housing Land Supply Paper 2019-2024 (HSLP); and the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2019 (TBHSPD) are relevant.

7.2 The main issues in the consideration of this application are:

- Impact on the Green Belt and character;
- Impact on streetscene and heritage;
- Impact on residential amenity;
- Impact on highway safety;
- Impact on land contamination; and
- Impact on the Thames Basin Heaths Special Protection Area;

7.3 Impact on the Green Belt and character

7.3.1 Paragraph 145 of the NPPF indicates that the construction of new buildings should be regarded as inappropriate in the Green Belt with a number of exceptions. Paragraph 145(g) includes the limited infilling or the partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development.

7.3.2 The proposal relates to development on previously developed land and would result in the loss of the commercial building at the rear of the site (and use) would be removed from this site by this proposal. However, the proposal would lead to a significant increase in size of built form beyond the amount of lawful built form and would result in an increase in the maximum height of development.

7.3.3 Recent case law has indicated that harm can include both spatial and visual aspects. It is concluded above that the proposal would result in significant spatial harm. The land to each flank are larger residential curtilages (for 152 and 164 Guildford Road) with the land beyond the rear of the wider site more open (a former horticultural site). Whilst it is noted that there are boundary treatments which would limit views into the site, the development would be visually more apparent from adjoining land due to the height and mass of development and therefore the development would provide some visual harm to the wider Green Belt. In addition, the urbanisation of the site and increase in built form would lead to an increase in the visual harm of the development to rural character.

7.3.4 As such, the proposal would have a greater impact on the openness of the Green Belt than the existing development and as such would be inappropriate development within the Green Belt and result in an urbanisation of the site harmful to rural character.

7.3.5 Paragraphs 143 and 144 of the NPPF indicate that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any harm to the Green Belt. "Very special circumstances" will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, resulting for the proposal, is clearly outweighed by other considerations.

7.3.6 The applicant has put forward the following benefits of the proposal:

- The proposal relates to the replacement of lawful dwellings occupying footprints of a similar size but repositioned to improve dimensions and standards of visual and privacy amenities;
- The proposal would lead to the re-use of previously developed land and would not cause harm to openness; and

- The proposal would contribute towards housing need providing smaller, more affordable housing units to balance with the larger units in the local housing mix.

7.3.7 Whilst the proposal relates to development on previously developed land, it would have a greater impact on the openness of the Green Belt and be harmful to rural character. The current proposal, as indicated above, would have the benefit of removing the commercial use from the site. Whilst a commercial use has not been established, it is clear from evidence that the rear yard of the site has been used for a number of years for such purposes and is likely to be lawful over the passage of time. However, the proposal relies upon the loss of the gypsy site pitches, which is not lawful. The HSLP has indicated that a five year supply of housing (plus buffer) can be provided within the Borough. It is therefore considered that in combination very special circumstances do not exist which outweigh the harm of the proposal on the Green Belt with the proposal failing to comply with the NPPF. In addition, the proposal is harmful to rural character, failing to comply with Policy DM9 of the CSDMP.

7.4 Impact on streetscene and heritage

7.4.1 The proposal would provide a development scheme towards the rear of the plot and would result in the loss of the commercial use at the rear. The proposed dwellings would be with dwellings orientated perpendicular to the prevailing development. Views into this part of the site are more limited by the existing dwelling. In addition, the east side of Guildford Road falls within the settlement of West End. However, views into this part of the site are more limited by the existing dwelling, their lower height and mass and setback from the highway.

7.4.2 The locally listed building, 164 Guildford Road, is set about 50 metres from the location of the proposed dwellings and therefore the proposal would have a very limited impact on its setting. Notwithstanding the visual harm to the Green Belt and rural character, it is considered overall that the development does not have an adverse visual impact on the streetscene and heritage.

7.4.3 As such, it is considered that the proposed development is acceptable on character and heritage grounds, complying with Policies DM9 and DM17 of the CSDMP.

7.5 Impact on residential amenity

7.5.1 Policy DM9 of the CSDMP requires development to pay regard to residential amenity of neighbouring property and uses. Principle 6.4 of the RDG indicates that housing development should seek to achieve the highest density possible without adversely impacting on the amenity of neighbours and residents.

7.5.2 The proposed pitches are located about 18 metres from the flank boundary with 152 Guildford Road and, whilst closer to the boundary with 164 Guildford Road, this dwelling is set some distance from this boundary. As such, no adverse impact on the amenity of the occupiers of these dwellings is envisaged.

7.5.3 As such, no objections are raised on residential amenity grounds, with the development complying, in this respect, with Policy DM9 of CSDMP.

7.6 Impact on highway safety

7.6.1 The new access would be provided onto Guildford Road. The proposed access would be provided with an adequate level of visibility. Parking is available on the site to meet minimum standards.

7.6.2 The County Highway Authority raises no objections to the proposal. As such, the proposed development is considered to be acceptable on highway safety grounds, complying with Policies CP11 and DM11 of CSDMP, and the NPPF.

7.7 Impact on the Thames Basin Heaths Special Protection Area

7.7.1 The application site partly lies about 0.6 kilometres of the Thames Basin Heaths Special Protection Area (SPA). The TBHSPD identifies Suitable Alternative Natural Green Space (SANGS) within the Borough and advises that the impact of residential developments on the SPA can be mitigated by providing a contribution towards SANG delivery/maintenance if there is available capacity. The proposal is CIL liable and this provision would normally be provided under the CIL charging scheme.

7.7.2 The current proposal would also be required to provide a contribution towards the SAMM (Strategic Access Management and Monitoring) project. This project provides management of visitors across the SPA and monitoring of the impact. The project is run through a steering group and aims to provide additional warden support across the SPA together with equipment and materials to support this. Alongside this is a monitoring of visitor numbers and behaviour. This project does not form part of the CIL scheme and a separate contribution is required through an upfront payment or a planning obligation or upfront payment to secure this contribution, which amounts to £2,133 for this development. Subject to the securing of this contribution through a legal agreement, no objections are raised on these grounds. However, with this contribution not secured an objection is raised on this ground.

7.7.3 As such, an objection to the proposal on these grounds is raised with the proposal failing to comply with Policy CP14 of the CSDMP, Policy NRM6 of the SEP, the National Planning Policy Framework and advice in the TBHSPD.

7.8 Impact on land contamination, flooding and drainage

7.8.1 The proposal would be partly sited on land which has been used for commercial purposes and lies adjacent to land (which has been noted as at (albeit relatively low) risk from land contamination. No objections have been raised by the Environmental Health Officer on these grounds, subject to the imposition of a condition to deal with any land contamination. The proposal is therefore considered to be acceptable on these grounds.

7.8.2 The proposal would fall within an area of low flood risk (Zone 1 as defined by the Environment Agency). As such, the proposal is considered to be acceptable on flood risk grounds.

7.8.3 As such, no objections are raised on land contamination and flooding grounds, with the proposal complying with Policy DM10 of the CSDMP and the NPPF.

7.9 Impact on local infrastructure

7.9.1 The Infrastructure Delivery SPD 2014 and the Community Infrastructure Levy (CIL) Charging Schedule was adopted by Full Council in July 2014. There are a number of infrastructure projects which would be funded through CIL (The Regulation 123 list) which would include open space, local and strategic transport projects, pedestrian safety improvements, play areas and equipped play spaces, indoor sports and leisure facilities, community facilities, waste and recycling, and flood defence and drainage improvements. These projects need not be directly related to the development proposal. As the CIL Charging Schedule came into effect on 1 December 2014, an assessment of CIL liability has been undertaken. This Council charges CIL on residential and retail developments where there is a net increase in floor area (of such uses).

The proposed amount of floorspace has been provided and an estimation of the amount of CIL liability is about £67,000. CIL is a land charge that is payable at commencement of works. An informative advising of this is to be added.

- 7.9.2 It is therefore considered that the proposal would not have an adverse impact on infrastructure delivery and complies with Policy CP12 of the CSDMP, the IDSPD and the NPPF.

8.0 CONCLUSION

- 8.1 The proposed development is considered to be acceptable in relation to its impact on character; residential amenity; land contamination, flood risk, and highway safety. The proposal would be inappropriate development in the Green Belt for which very special circumstances do not exist sufficient to outweigh the harm of the development to the Green Belt. As such, the application is recommended for refusal.

9.0 WORKING IN A POSITIVE MANNER

In assessing this application, officers have worked with the applicant in a positive, creative and proactive manner consistent with the requirements of Paragraphs 38-41 of the NPPF. This included the following:-

- a) Provided or made available pre application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.
- b) Provided feedback through the validation process including information on the website, to correct identified problems to ensure that the application was correct and could be registered.

10.0 RECOMMENDATION

REFUSE for the following reasons:-

REFUSE for the following reason(s):-

1. The proposed development, by reason of the dwellings' height, mass and overall increase in the quantum of development, would have a greater impact on the openness of the Green Belt than the existing development and would therefore represent inappropriate development in the Green Belt. In addition, the development would have an urbanising impact harmful to the rural character of the area. There are no very special circumstances to outweigh this harm (and the harm identified in Reason 2), thereby failing to comply with Policies CP1, CP2 and DM9 of the Surrey Heath Core Strategy and Development Management Policies Document 2012 the National Planning Policy Framework.
2. In the absence of a payment or a completed legal agreement under section 106 of the Town and Country Planning Act 1990, the applicant has failed to comply with Policy CP14B (vi) (European Sites) of the Surrey Heath Core Strategy and

Development Management Policies Document 2012 and Policy NRM6 (Thames Basin Heath Special Protection Area) of the South East Plan 2009 (as saved) in relation to the provision of contribution towards Strategic Access Management and Monitoring (SAMM) measures, in accordance with the requirements of the Surrey Heath Borough Council's Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document (Adopted January 2019).